

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

SELENA MOORER, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

CONNECTONCALL.COM LLC,

Defendant.

Case No. 2:24-cv-08574-SJB-JMW

PAMELA BERANEK, individually and on
behalf of all similarly situated customers,

Plaintiff,

v.

CONNECTONCALL.COM LLC,

Defendant.

Case No. 2:24-cv-08584-SIL

MARTIN GERBER, Administrator of the Estate
of Phyllis Gerber, on behalf of the decedent and
all others similarly situated,

Plaintiff,

v.

PHREESIA, INC.,

Defendant.

Case No. 2:24-cv-08585-ST

MICHAEL LAWSON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

CONNECTONCALL.COM, LLC,

Defendant.

Case No. 2:24-cv-08615-JMW

PAMELA GIARRIZZO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

CONNECTONCALL.COM, LLC,

Defendant.

Case No. 2:24-cv-08648-AYS

SONDRA WEEKS, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

PHREESIA, a Delaware Corporation, and
CONNECTONCALL.COM LLC, a wholly-
owned subsidiary of PHREESIA,

Defendants.

Case No. 2:24-cv-08660-SIL

JAMES DENNIS, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

CONNECTONCALL.COM, LLC AND
PHREESIA, INC.,

Defendants.

Case No. 2:24-cv-08736-SIL

ANTHONY JONES, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

CONNECTONCALL.COM LLC,

Defendant.

Case No. 2:24-cv-08776-AYS

YOSHIA BLEVINS, individually and on behalf
of a class of similarly situated individuals,

Plaintiff,

v.

CONNECTONCALL.COM, LLC and
PHREESIA, INC.,

Defendants.

Case No. 2:24-cv-08790-NRM-JMW

DIANNA DENNY, individually and on behalf of all others similarly situated, Plaintiff, v. CONNECTONCALL.COM, LLC, Defendant.	Case No. 2:24-cv-08828-EK-ST
RYAN NOLET, individually and on behalf of all others similarly situated, Plaintiff, v. CONNECTONCALL.COM, LLC, and PHREESIA, INC., Defendants.	Case No. 2:25-cv-00067-EK-ARL

**[PROPOSED] STIPULATION CONCERNING CONSOLIDATION
AND APPOINTMENT OF INTERIM CLASS COUNSEL**

WHEREAS, on December 16, 2024, the first of 11 proposed class actions was filed against Defendants ConnectOnCall.com, LLC and/or Phreesia, Inc. (collectively, “Defendants”) arising out of a cybersecurity incident on certain cloud storage for the ConnectOnCall service between February 16, 2024, and May 12, 2024 (the “Data Breach”) in this Court entitled *Moorer v. ConnectOnCall.com, LLC*, No. 2:24-cv-08574-SJB-JMW (E.D.N.Y.);

WHEREAS, on and since the date of that filing, there have been 10 additional cases filed, and, as of the date of this stipulation, there are 11 cases on file arising out of the Data Breach;

WHEREAS, the parties in each of the 11 actions filed to date—*Moorer, Beranek, Gerber, Lawson, Giarrizzo, Weeks, Dennis, Jones, Blevins, Denny, and Nolet*—believe that these cases are

related (the “Related Cases”) and should be consolidated for pre-trial purposes pursuant to Fed. R. Civ. P. 42 given the substantially similar factual and legal issues in the Related Cases;

WHEREAS, on December 30, 2024, and January 8, 2025, Plaintiffs’ counsel in all 11 actions filed to date met and conferred via Zoom, and via email thereafter, and agree that they will be filing applications for the appointment of interim class counsel on behalf of their plaintiffs and the proposed class, pursuant to Fed. R. Civ. P. 23(g), within 5 business days following entry of an Order consolidating the above-captioned related actions;

WHEREAS, Plaintiffs in the Related Cases request that the Court relieve Defendants from responding to the initial complaints filed in the above-captioned actions, and instead set a schedule for the filing of a Consolidated Amended Complaint within 45 days from entry of an Order appointing interim class counsel and for Defendants’ responsive pleading deadline be set 45 days from the filing of the Consolidated Amended Complaint;

NOW, THEREFORE, the undersigned parties, through their attorneys and subject to the Court’s approval, stipulate and agree to the following:

1. Pursuant to Federal Rule of Civil Procedure 42, the cases *Moorer v. ConnectOnCall.com LLC*, No. 2:24-cv-08574-SJB-JMW (E.D.N.Y.), *Beranek v. ConnectOnCall.com LLC*, No. 2:24-cv-08584-SIL (E.D.N.Y.), *Gerber v. Phreesia, Inc.*, No. 2:24-cv-08585-ST (E.D.N.Y.), *Lawson v. ConnectOnCall.com, LLC*, No. 2:24-cv-08615-JMW (E.D.N.Y.), *Giarrizzo v. ConnectOnCall.com, LLC*, No. 2:24-cv-08648-AYS (E.D.N.Y.), *Weeks v. Phreesia et al*, No. 2:24-cv-08660-SIL (E.D.N.Y.), *Dennis v. ConnectOnCall.com, LLC et al*, No. 2:24-cv-08736-SIL (E.D.N.Y.), *Jones v. ConnectOnCall.com, LLC*, No. 2:24-cv-08776-AYS, *Blevins v. ConnectOnCall.com, LLC et al*, No. 2:24-cv-08790-NRM-JMW (E.D.N.Y.), *Denny v. ConnectOnCall.com, LLC*, No. 2:24-cv-08828-EK-ST (E.D.N.Y.), and *Nolet v.*

ConnectOnCall.com, LLC, et al, No. 2:25-cv-00067-EK-ARL are consolidated for all purposes. The *Blevins* case is designated as the lead case. All papers filed in the Consolidated Action shall be filed under Case No. 2:24-cv-08790-NRM-JMW and shall bear the following caption:

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

IN RE CONNECTONCALL DATA BREACH
LITIGATION

Lead Case No.: 2:24-cv-08790-NRM-JMW

This Document Relates To:

2. All future pleadings, motions, briefs, and other papers shall be filed in Case No. 2:24-cv-08790-NRM-JMW. The clerk is directed to CLOSE Case Nos. 2:24-cv-08574-SJB-JMW, 2:24-cv-08584-SIL, 2:24-cv-08585-ST, 2:24-cv-08615-JMW, 2:24-cv-08648-AYS, 2:24-cv-08660-SIL, 2:24-cv-08736-SIL, 2:24-CV-08776-AYS, 2:24-CV-08828-EK-ST, and 2:25-cv-00067-EK-ARL.

3. All future-filed or transferred actions that are related to the Consolidated Action pursuant to Federal Rule of Civil Procedure 42 in that they are based on the same or similar facts and circumstances shall be consolidated in the Consolidated Action upon stipulation of the parties and the filing of a notice of consolidation.

4. Motions for the appointment of interim class counsel shall be filed within 5 business days following entry of an Order consolidating the above-captioned related actions.

5. Counsel for Plaintiffs and Defendant do not intend to file responses to any motion for the appointment of interim class counsel and therefore briefing on the motions to appoint interim class counsel under Fed. R. Civ. P. 23(g) will be complete upon the filing of those motions.

6. Defendants agree to waive service and the expense of serving a summons and complaint in the Related Cases. Furthermore, Defendants shall be relieved from responding to the initial complaints filed in the Related Cases until the Court issues an Order on the appointment of interim lead class counsel and Plaintiffs file a Consolidated Amended Complaint.

7. This stipulation does not constitute a waiver (other than Defendants' waiver of service of the summons and complaint) of any of the parties' other claims, rights, arguments, or defenses, including but not limited to the right to seek a further extension of Defendants' time to answer or otherwise respond to the current Complaints, the anticipated Consolidated Class Action Complaint, or any other pleading filed by Plaintiffs in any of the Related Cases.

8. The Court hereby sets the following initial case deadlines for the Consolidated Action:

- a. Plaintiffs' counsel shall file any motions for appointment of interim class counsel no later than 5 business days following entry of an Order consolidating the above-captioned Related Cases;
- b. Plaintiffs shall file a Consolidated Class Action Complaint no later than 45 days following entry of an Order appointing interim lead class counsel;
- c. Defendants shall file an answer or otherwise respond to the Consolidated Class Action Complaint within 45 days of the filing of the Consolidated Complaint;
- d. Plaintiffs shall file an opposition to any motion to dismiss or similar motion filed in response to the Consolidated Class Action Complaint within 45 days of the motion; and
- e. Defendants shall file a reply in support of any motion to dismiss or similar motion within 28 days of Plaintiffs' opposition.

IT IS SO STIPULATED AND AGREED TO THIS 13th day of January 2025.

<p>By:</p> <p><u>/s/ Katie Viggiani</u> MORRISON & FOERSTER LLP Katie Viggiani Justin Young 250 West 55th Street New York, New York 10019 Telephone: 212.468.8000 Facsimile: 212.468.7900 Email: kviggiani@mofo.com Email: justinyoung@mofo.com</p> <p>Purvi G. Patel* Christopher Adler* 707 Wilshire Boulevard, Suite 6000 Los Angeles, California 90017 Telephone: 213.892.5200 Facsimile: 212.892.5454 Email: ppatel@mofo.com Email: cadler@mofo.com</p> <p><i>*application for admission pro hac vice forthcoming</i></p> <p><i>Attorneys for Defendants ConnectOnCall.com, LLC and Phreesia, Inc.</i></p>	<p><u>/s/ Jeff Ostrow</u> KOPELOWITZ OSTROW, P.A. Jeff Ostrow* Steven P. Sukert, NY Bar No. 5690532 One West Las Olas Blvd, Suite 500 Fort Lauderdale, Florida 33301 Telephone: 954.525.4100 Facsimile: 954.525.4300 Email: ostrow@kolawyers.com</p> <p><i>*application for admission pro hac vice forthcoming</i></p> <p><i>Attorneys for Plaintiff Selena Moorer</i></p> <p><u>/s/ Vicki J. Maniatis</u> MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, PLLC Vicki J. Maniatis (NY Bar No. 2578896) 405 East 50th Street New York, New York 11530 Telephone: 516.491.4665 Email: vmaniatis@milberg.com</p> <p>Mariya Weekes* 201 Sevilla Avenue, 2nd Floor Coral Gables, Florida 33134 Telephone: 786.879.8200 Facsimile: 786.879.7520 Email: mweekes@milberg.com</p> <p><i>*application for admission pro hac vice forthcoming</i></p> <p><i>Attorneys for Plaintiff Pamela Beranek</i></p>
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/s/ Jason P. Sultzer

SULTZER & LIPARI, PLLC

Jason P. Sultzer
Scott E. Silberfein
85 Civic Center Plaza, Suite 200
Poughkeepsie, New York 12061
Telephone: 845.483.7100
Email: sultzerj@thesultzerlawgroup.com
Email: silberfeins@thesultzerlawgroup.com

LEEDS BROWN LAW, P.C.

Jeffrey K. Brown
Blake Hunter Yagman
One Old Country Road, Suite 347
Carle Place, New York 11514
Telephone: 516.873.9550
Email: jbrown@leedsbrownlaw.com
Email: byagman@leedsbrownlaw.com

*Attorneys for Plaintiff Martin Garber,
Administrator of the Estate of Phyllis Gerber*

/s/ Vicki J. Maniatis

MILBERG COLEMAN BRYSON

PHILLIPS GROSSMAN, PLLC

Vicki J. Maniatis (NY Bar No. 2578896)
100 Garden City Plaza, Suite 500
Garden City, New York 11530
Telephone: 866.252.0878
Facsimile: 212.868.1229
Email: vmaniatis@milberg.com

STRANCH, JENNINGS & GARVEY, PLLC

J. Gerard Stranch, IV*
Grayson Wells*
The Freedom Center
223 Rosa L. Parks Avenue, Suite 200
Nashville, Tennessee 37203
Telephone: 615.254.8801
Email: gstranch@stranchlaw.com
Email: gwells@stranchlaw.com

**application for admission pro hac vice
forthcoming*

Attorneys for Plaintiff Michael Lawson

/s/ Courtney Maccarone

LEVI & KORSINSKY LLP

Courtney Elizabeth Maccarone
33 Whitehall Street, 17th Floor
New York, New York 10004
Telephone: 212.363.7500
Email: cmaccarone@zlk.com

Attorneys for Plaintiff Pamela Giarrizzo

/s/ Gary E. Mason

MASON LLP

Gary E. Mason (NY Bar No. 2163467)
Danielle L. Perry*
Lisa A. White*
5335 Wisconsin Avenue, NW, Suite 640
Washington, DC 20015
Telephone: 202.429.2290
Email: gmason@masonllp.com
Email: dperry@masonllp.com
Email: lwhite@masonllp.com

**application for admission pro hac vice
forthcoming*

Attorneys for Plaintiff Sondra Weeks

/s/ Gary F. Lynch

LYNCH CARPENTER, LLP

Gary F. Lynch
1133 Penn Avenue
Pittsburgh, Pennsylvania 15222
Telephone: 412.322.9243
Facsimile: 412.231.0246
Email: gary@lcllp.com

Attorneys for Plaintiff James Dennis

/s/ David S. Almeida

ALMEIDA LAW GROUP LLC

David S. Almeida (NY Bar No. 3056520)

Elena A. Belov (NY Bar No. 4080891)

849 W. Webster Ave.

Chicago, Illinois, 60614

Telephone: 708.437.6476

Email: david@almeidalawgroup.com

Email: elena@almeidalawgroup.com

Attorneys for Plaintiff Anthony Jones

/s/ Lori G. Feldman

GEORGE FELDMAN MCDONALD, PLLC

Lori G. Feldman

102 Half Moon Bay Drive

Croton-on-Hudson, New York 10520

Telephone: 917.983.9321

Email: lfeldman@4-justice.com

Email: eservice@4-justice.com

Attorneys For Plaintiff Yochia Blevins

/s/ Megan E. Shannon

FEGAN SCOTT LLC

Jonathan D. Lindenfeld

305 Broadway, 7th Floor

New York, NY 10007

Telephone: 332.216.2101

Facsimile: 312.264.0100

Email: jonathan@feganscott.com

Elizabeth A. Fegan

Megan E. Shannon

150 S. Wacker Drive, 24th Floor

Chicago, IL 60606

Telephone: 312.741.1019

Facsimile: 312.264.0100

Email: beth@feganscott.com

Email: megan@feganscott.com

Attorneys for Plaintiff Dianna Denny

	<p><u>/s/ James Pizzirusso</u> HAUSFELD LLP James Pizzirusso 888 16th Street, NW, Ste 300 Washington, DC 20006 Telephone: 202.540.7200 Facsimile: 202.540.7148 Email: jpizzirusso@hausfeld.com</p> <p>Steven M. Nathan 33 Whitehall Street, 14th Floor New York, New York 10004 Telephone: 646-357-1194 Facsimile: 212-202-4322 Email: snathan@hausfeld.com</p> <p><i>Attorneys for Plaintiff Ryan Nolet</i></p>
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IT IS SO ORDERED:

Dated _____, 2025

The Honorable Nina R. Morrison
United States District Court Judge